



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM11/1013

FOLEY & LARDNER
WASHINGTON HARBOUR P O BOX 25696
3000 K STREET NW SUITE 500
WASHINGTON DC 20007-8696

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/017,084	04/07/97	011	VANDER VEGT P, R	1644 10/13/98
First Named Applicant	KISHIMOTO, US USC 154(b) term ext. = 10 Days,			

TITLE OF INVENTION CHRONIC RHEUMATOID ARTHRITIS THERAPY CONTAINING IL-6 ANTAGONIST AS EFFECTIVE COMPONENT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 53466/200	424-141.100	K42	UTILITY	NO	\$1320.00	01/13/99

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

08/817,084

Applicant(s)

Kishimoto et al.

Examiner

F. Pierre VanderVegt

Group Art Unit

1644



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to paper file 9/10/98.

☒ The allowed claim(s) ~~is~~/are 19-29.

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached ~~hereto or~~ to Paper No. 5.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

REASONS FOR ALLOWANCE

Claims 1-18 have previously been canceled.

Claims 19-29 are currently pending in this application and are allowed.

1. The following is an Examiner's statement of reasons for allowance:

5 Applicant has provided evidence that the term "method of treating chronic rheumatoid arthritis" recited in the instant claims has antecedent basis in parent application 08/268,520, filed June 30, 1994. Applicant has provided a certified translation of Japanese patent application 6-244035, filed October 7, 1994, showing antecedent basis for the recitation of "a method for inhibiting synovial cell growth" and "suppresses abnormal growth of synovial cells" in the instant
10 claims. Applicant has further provided a certified translation of Japanese patent application 5-180303, filed July 21, 1993, showing antecedent basis for the recitation of "method of treating chronic rheumatoid arthritis" in the instant claims. Therefore, the claimed invention is entitled to a filing priority date earlier than the publication date of the cited references. Accordingly, all outstanding grounds of rejection are hereby withdrawn. The prior art of record does not teach or
15 suggest the claimed invention.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information Disclosure Statement

2. The information disclosure statement filed May 28, 1998 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e), because it lacks a petition requesting consideration of the information disclosure statement and because it lacks the
25 petition fee set forth in 37 CFR 1.17(I). It has been placed in the application file, but the information referred to therein has not been considered.

Conclusion

3. The following prior art reference is made of record because it is considered pertinent to Applicant's disclosure.

U.S. Patent No. 5,210,075 to Scholz et al (A' on form PTO-892) teaches peptides which are antagonists of interleukin-6 (IL-6) and uses therefor. The '075 patent teaches that these peptides may be useful in regulating elevated IL-6 levels and in treating rheumatoid arthritis. The '075 patent does not anticipate or render obvious the instant invention because the '075 patent does not teach or suggest the inhibition of synovial cell growth using the IL-6 antagonists nor does it teach the treatment of rheumatoid arthritis with anti-IL-6 or anti-IL-6 receptor specific antibodies, nor would a person of ordinary skill in the art at the time the invention was made been led to believe the instant invention was obvious over the disclosure of the '075 patent, either alone or in combination with other prior art references of record.

4. Papers related to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax phone number for official documents to be entered into the record for Art Unit 1644 is (703)305-3014.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to F. Pierre VanderVegt, whose telephone number is (703)305-6997. The Examiner can normally be reached Monday through Friday from 8:00 am to 4:30 pm ET. A message may be left on the Examiner's voice mail service. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ms. Christina Chan can be reached at (703)308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist, whose telephone number is (703)308-0196.

October 13, 1998
F. Pierre VanderVegt, Ph.D.
Patent Examiner
Art Unit 1644

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/1644